

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY
COURT NO. 17**

CIVIL ACTION NO: JP17-22-003003

RAYMOND HANCE VS CYNTHIA JONES

ORDER ON TRIAL DE NOVO

The Court has entered a judgment or order in the following form:

HISTORY

This case was filed with the Court by the Plaintiff on August 8, 2022. After a trial on September 19, 2022 judgment for the Plaintiff was entered on September 23, 2022. On October 5, 2022, the Defendant filed an appeal of this judgment. Trial before a three-Judge Panel was held on October 24, 2022. This is the decision of the Panel hearing this case as a *trial de novo*. Prior to trial, the parties agreed that as a result of the trial below, a Writ of Possession had been served on the Defendant with execution of the Writ scheduled for November 2, 2022 and so possession was not an issue before the Panel.

Shelly Hance-Deale, daughter of the Plaintiff, testified that she has been the Manager of the property at 12607 Redden Road, Bridgeville, Delaware since January 2022. This is the location of the rental property in this case. The parties entered into a verbal lease with a monthly rent of \$1,200.00. Through October 2022 the unpaid rent totaled \$11,731.00, which is the amount now sought by the Plaintiff. The Defendant worked for the Plaintiff cleaning a condo owned by him after tenants departed. The Defendant was paid \$150.00 for each such cleaning. Ms. Hance-Deale presented to the Panel a detailed accounting record, based on actual records in possession of the Plaintiff, showing each month of accruing rent and each deduction from the rent owed beginning on May 19, 2021. This record showed an amount currently due to the Plaintiff of \$11,731.00.

The Defendant testified that her oral agreement with the Plaintiff for her to occupy the subject property was not a rental agreement at all but was an option to purchase contract; however, the Defendant did not offer any evidence to support this claim outside of her own testimony. While the Defendant did provide various documents to show payments made to the Plaintiff that were not shown on the Plaintiff's accounting record, the Plaintiff flatly denied that these documents contained his signature and were not valid.

After considering all the evidence presented, the Panel finds that the Plaintiff has proven his case by a preponderance of the evidence and enters judgment on his behalf in the

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amount of \$11,731.00 plus court costs of \$127.50 and post judgment interest at the legal rate of 8.25% per annum.

IT IS SO ORDERED 31st day of October, 2022

/S/John C Martin (SEAL)
Senior Justice of the Peace
For the Three Judge Panel

Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).